

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

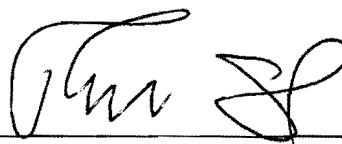
Martha Strong,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 0:09-2101-RMG
)	
Michael J. Astrue, Commissioner)	
of Social Security,)	ORDER
)	
Defendant.)	
)	
)	
)	

This matter comes before the Court on Plaintiff's motion for an award of attorney's fees as a prevailing party in a Social Security disability matter pursuant to 28 U.S.C. § 406(b). (Dkt. No. 32). Plaintiff requests Court approval of \$8,728.50, which represents a fee of 25% of Plaintiff's total recovery of \$34,914.00. Plaintiff advises the Court that she and her counsel had a contingent fee agreement providing for an attorney's fee of 25% of the amount recovered. Plaintiff's counsel has provided to the Court an accounting of his hours of 46.2 hours, which represents a proposed hourly rate of \$188.93 per hour. Plaintiff's counsel further informs the Court that he has already received payment in the amount of \$5,917.00 and, thus, seeks an additional payment of the balance of \$2,811.50. (Dkt. No. 32-1 at 8-9). Defendant has no objection to the award of attorney's fees as requested by Plaintiff. (Dkt. No. 36).

The Court, pursuant to *Gisbrecht v. Barnhart*, 535 U.S. 789, 897-808 (2002), begins this review by determining the fee provided for by the contingency fee agreement and tests this

against a standard of reasonableness. The fee requested of \$8,728.50 is in accord with the parties' contingency fee agreement. Based upon the hours expended and other factors normally considered in reviewing the reasonableness of an attorney's fee, the Court finds the fee requested is reasonable. *Barber v. Kimbrell's*, 577 F.2d 216, 226 (4th Cir. 1978). Therefore, the Court hereby approves an attorney's fee of \$8,728.50, subject to a reduction for the amount already paid of \$5,917.00, making the net amount now due for the attorney's fee of \$2,811.50.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Mark Gergel', written over a horizontal line.

Richard Mark Gergel
United States District Judge

Charleston, South Carolina
February 23, 2012